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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Criminal No. CR 3-08-70107 MEJ
)	
Plaintiff,)	
)	
v.)	AMENDED [PROPOSED] ORDER TO
)	DETAIN DEFENDANT
)	
KEENAN J. RINGGOLD,)	
a/k/a "CANO",)	
)	
Defendant.)	
)	

The parties appeared before the Honorable Joseph C. Spero on March 11, 2008. The defendant was represented by defense counsel Robert Joseph Beles. The United States was represented by Special Assistant United States Attorney Wendy Thomas. After a detention hearing, the Court found by a preponderance of the evidence that the defendant posed a risk of flight and that no condition or combination of conditions could reasonably assure the appearance of the defendant as required. *See United States v. Motamedi*, 767 F.2d 1403 (9th Cir. 1985)(found that the burden of proof governing the finding that a person poses a risk of flight is by a preponderance of the evidence). The Court provided the following reasons for this finding:

**ORDER DETAINING
DEFENDANT CR 3-08-70107 MEJ**

- (1) The defendant reported to Pretrial Services Officer Amelia A. Berthelsen that he had resided in Richmond or San Pablo, California, his entire life. Officer Berthelsen obtained information from Drug Enforcement Administration Officer Tom McCue that the defendant had been residing in Kansas in 2006;
- (2) The defendant has previously used aliases and alternate dates of birth, as reflected in an arrest on or about April 3, 2007, in Platte City, Missouri, under the alias Brandon Demarko Johnson;
- (3) The defendant has a juvenile arrest record including approximately fifteen arrests between the dates of November 7, 1998, and December 16, 2002;
- (4) The defendant has at least five convictions, despite only being 23 years old;
- (5) The defendant's probation was revoked on or about July 8, 2006, after the defendant was stopped by an officer and purportedly attempted to flee from the officer;
- (6) The defendant was on probation at the time the conduct in the Indictment allegedly occurred.

The Court also found by clear and convincing evidence that the defendant posed a danger to the community and that no condition or combination of conditions could reasonably assure the safety of any other person and the community. 18 U.S.C. § 3142(f)(2)(B). The Court provided the following reasons for this finding:

- (1) The defendant has a prior felony conviction for possession of an assault weapon;
- (2) The defendant has a juvenile arrest record including approximately fifteen arrests between the dates of November 7, 1998, and December 16, 2002;

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(3) The defendant was on probation at the time the conduct in the Indictment allegedly occurred.

These findings of fact are submitted pursuant to 18 U.S.C. § 3142(i)(1) and 18 U.S.C. § 3142(e).

The Court further directed the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. *See* 18 U.S.C. § 3142(i)(2).

The Court further directed that the defendant be afforded reasonable opportunity for private consultation with counsel. *See* 18 U.S.C. § 3142(i)(3).

The Court further directed that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding. *See* 18 U.S.C. § 3142(i)(4).

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: 3/12/08

/s/
WENDY THOMAS
Special Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____

THE HON. JOSEPH C. SPERO
United States Magistrate Judge